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DATE: January 7, 2005
FILE NO: ROC920010064US1
TO: Examiner Andrew J. Fischer
FAX NO: 703/872-9306
COMPANY: USPTO
FROM: Gero G. McClellan
PAGE(S) with cover: 10
ORIGINAL TO FOLLOW? ☐ YES ☒ NO

REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL And PRELIMINARY AMENDMENT

U.S. SERIAL NO.: 09/848,573
FILING DATE: May 3, 2001
INVENTOR: Bates et al.
EXAMINER: Andrew J. Fischer
GROUP ART UNIT: 3672
CONFIRMATION NO.: 6820

CONFIDENTIALITY NOTE

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PTO/SB/30 (08-03)

Approved for use through 07/31/2008. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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Request for Continued Examination (RCE) Transmittal


Address to:
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

| | |
|------------------------|-----------------|
| Application Number | 09/048,573 |
| Filing Date | May 3, 2001 |
| First Named Inventor | Cary Lee Bates |
| Group Art Unit | 3627 |
| Examiner Name | Fischer, A. |
| Attorney Docket Number | ROC920010064US1 |

This is a Request for Continued Examination (RCE) under 37 C.F.R. 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

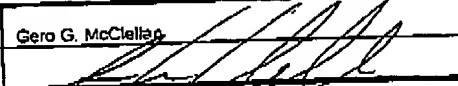
1. **Submission required under 37 C.F.R. 1.114** Note: if the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).
- a. ☒ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- i. ☐ Consider the arguments in the appeal brief or Reply brief previously filed on _____
- ii. ☒ Other- Applicants request that the Response to Final Office Action Mailed December 8, 2004 not be entered and consider the Preliminary Amendment filed herewith.
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☐ Other
2. **Miscellaneous**
- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. 1.17(f) required)
- b. ☐ Other _____
3. **Fees** The RCE fee under 37 C.F.R. 1.17(e) is required by 37 C.F.R. 1.114 when the RCE is filed.
- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 09-0465
- i. ☒ RCE fee required under 37 C.F.R. 1.17(e)
- ii. ☐ Extension of time fee (37 C.F.R. 1.136 and 1.17)
- iii. ☒ Other - \$50 for one dependent claim in excess of 20
- b. ☐ Check in the amount of \$_____ enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

| | | | |
|-------------------|---|-----------------------------------|-----------------|
| Name (Print/Type) | Gero G. McClellan | Registration No. (Attorney/Agent) | 44,227 |
| Signature |  | Date | January 7, 2005 |

CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that this correspondence and the documents referred to as attached therein are being facsimile transmitted to the U.S. Patent and Trademark Office to the fax number 703-872-9306 to the attention of Examiner Andrew J. Fischer on the date below:

| | | | |
|-------------------|---|------|-----------------|
| Name (Print/Type) | Gero G. McClellan | Date | January 7, 2005 |
| Signature |  | | |

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.